

REMARKS

Claims 1-34 are pending in the application and stand rejected. Applicants have not amended the claims. In light of the following remarks, favorable reconsideration is earnestly solicited.

The claims are presently rejected under 35 U.S.C. § 102(b), however, Applicants respectfully submit that *Nakata* is not proper prior art under 35 U.S.C. § 102(b). The present application was filed on February 26, 2002. *Nakata* was published on May 15, 2003. Thus, § 102(b) is not applicable because the present application was filed before the reference was published.

Claim Rejections - 35 U.S.C. §112

Claims 1, 4, 11, 13, 16, 17, 19, 25 and 33 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Regarding the § 112 rejection, Applicants respectfully traverse. Specifically, the Examiner contends the word “automatic” is unsupported by the specification. In addition to the Examiner’s Supervisor agreeing to this amendment during an interview conducted on October 4, 2007, the limitation is supported by the specification.

The term was put there to distinguish from a person performing the particular function. No person performs this feature in the claimed invention. As such, the amendment further distinguishes the claimed invention from being performed by an operation of a person. Although the term automatic is not explicitly recited in the specification, it should be apparent to a person

having ordinary skill in the art that an individual is not performing the function. As such, the amendment is supported.

Regarding the phrase “plurality of frames,” this phrase was added in order to distinguish from a still image simply being renewed on a screen. In other words, the Examiner was considering a “main video” to be a still image renewed on a display screen. Simply stating a “first main video” should provide § 112 support for the limitation of “a plurality of frames.” A “video” typically constitutes a plurality of frames.

On the Merits

Claim Rejections - 35 U.S.C. §102

Claims 1-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Nakata et al. (US Publication 2003/0091329).

Independent Claim 1:

Independent claim 1 requires in part:

means for renewing the display of the time information sequence and the still image sequence by **automatically** synchronizing with the current playback time of the video while playing back the video.... Emphasis added.

To begin, Applicants note that the term “automatically” was added to the claim in the Request for Continued Examination (RCE) filed on October 31, 2007. As indicated above, this term was added to further distinguish the claimed invention from *Nakata* in that the claimed invention did not have any person performing the particular synchronizing task. In fact, in the Examiner’s Interview Summary, it specifically states:

the proposed amendment to claims 1 and 4 by adding “automatically” appear to overcome the applied reference.

As the Examiner has not examined claim 1 with the above mentioned feature, Applicants respectfully submit that the rejection is inappropriate. Applicants are entitled to have the claims of record examined. As the Office has not done this, Applicants ask the claims of record to be examined.

Furthermore, Applicants submit that the next Office Action should also be a Non-Final Office Action.

Independent Claim 4:

Independent claim 4 also requires the newly added feature of “automatically” performing a function, specifically, “automatically synchronizing with the video data at a constant transmission rate.” As indicated above, during the interview with the Examiner, the Examiner agreed that this amendment overcomes the *Nakata* reference.

However, as with claim 1, the Examiner has not examined claim 4 with this limitation. As such, Applicants ask the Examiner to address this feature in the next Office Action.

Independent Claim 11:

Independent claim 11 also requires the “automatic” feature. The Examiner uses the same rationale to reject claim 11 as used to reject claim 1. As discussed above regarding claim 1, the rejection is not appropriate.

Independent Claim 13:

Independent claim 13 requires in part:

a main video playback means for playing back **a plurality of frames** of a first main video file designated by the video information described in the video description file.... Emphasis added.

The phrase “**a plurality of frames**,” indicated in bold, was added to the claim in order to further distinguish the claimed invention from *Nakata*. As discussed above, the Examiner was taking a broad view that because a still image is continually refreshed, it constitutes a video.

The Examiner however has failed to examine this newly added feature of claim 13. As such, Applicants ask the Office to examine the claims of record.

Independent Claims 16, 17 and 19:

Independent claims 16, 17 and 19 each contain a similar limitation as that required by claim 13. As the Office has not examined the newly amended claims, as discussed above regarding claim 13, Applicants respectfully submit that the rejection is inappropriate.

Independent Claim 25:

Independent claim 25 requires in part:

means for delivering the scene description file which describes the scene of the video file described in the video description file from the server by **automatically synchronizing** with said main video data at a constant transmission rate. Emphasis added.

We note that the Examiner has examined the claim with respect to the newly added limitation “**automatically**,” as shown in bold. The Examiner contends this feature is disclosed paragraphs [0224] and [0264]. Paragraph [0224] describes figures 18A to 18E and discusses the

different icons displayed when different tasks are performed. Paragraph [0264] describes Fig. 20 and in particular discusses step 306.

The task described in step 306 is to “search material.” However this does not disclose any sort of “synchronizing” as required by claim 25. Furthermore, there does not appear to be a “synchronizing” of any “scene description file” with the main video data. In fact, there is not any reference to data describing any scene played in the video file, as required by claim 25. As such, Applicants respectfully traverse the rejection.

Independent Claim 33:

Independent claim 33 requires a feature a playing back a plurality of frames of a video. As the Examiner uses the same rationale for rejecting claim 33 as was used to reject claim 16, the same rationale in traversing the rejection also applies. That is, the Examiner has not addressed the above mentioned feature of claim 33, (or claim 16) included in the claims to further distinguish the claimed invention from the cited art.

Independent Claim 34:

Independent claim 34 requires in part:

a main video playback means for playing back a first main video file designated by the video information described in the video description file;

The Examiner contends this feature is disclosed in paragraph [0172]. Here *Nakata* discusses setting an in point and out point of the video being viewed. However, this does not disclose any sort of video information described in a video description file. As such, Applicants respectfully traverse the rejection.

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Art Unit: 2621

Response
Attorney Docket No.: 020220

In view of the aforementioned remarks, Applicants submit that the claims are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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